

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Request for Amendment of the )  
Commission's Rules Governing )  
The Emergency Alert System )

RM-9156

COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters ("NAB")<sup>1</sup> submits these comments on the Society of Broadcast Engineers, Inc. ("SBE") "Petition for Rule Making Concerning Improvements to Part 11 of the FCC Rules (EAS)." These NAB comments are in continuation of our participation in all phases of the FCC's development and reconsideration of rules for the transition from the Emergency Broadcast System to the digital Emergency Alert System.

In its petition, SBE proposes a revised and more detailed Part 11 of the FCC's Rules in an effort to create a more uniform set of rules to govern the EAS. Among the changes SBE suggests are an extension of the relay window for tests (Item 1 of the SBE petition), the addition of event codes for cancellations (Item 10 of the SBE petition) and

<sup>1</sup> NAB is a nonprofit incorporated association of television and radio stations and networks which serves and represents the American broadcast industry.

No. of Copies rec'd  
LIST ABOVE

0211

CIB

the additional of rule specifications for emergency communications on local levels (Item 11 of the SBE petition).

NAB generally supports the concept of the Commission initiating a proceeding that will address those problems with the new EAS that have been and will be discovered during the system's one-year "shakedown period." However, we believe that initiation of such a proceeding before the shakedown period has concluded would be premature and may not allow for thorough discovery and analysis of *all* issues that might need to be addressed. We also note that some issues, which appear to be problematic at this time, may be resolved by the time the shakedown period is over as broadcasters and other involved parties become more familiar with operating the new system.<sup>2</sup>

Nonetheless, and to help develop a record upon which a future proceeding may be based, we hereby submit our views on several aspects of the SBE petition. NAB applauds SBE's proposals to add event codes for cancellations and to increase the relay window for tests of the EAS from 15 to 60 minutes. However, NAB opposes SBE's suggestion that stations submit to the FCC documentation of their local EAS participation.

---

<sup>2</sup> One area where we continue to believe the Commission should alter its EAS rules concerns the cable EAS override of local television stations' programming during emergency situations. This is an issue which also is the subject of Congressional concern. See Letter from House Telecommunications Subcommittee Chairman Billy Tauzin (R-LA) to FCC Chairman Reed E. Hundt, dated September 8, 1997. In this letter Congressman Tauzin urges the FCC to take action that would ensure that local television broadcast stations' programming is not overridden by cable television systems during times of emergency conditions, regardless of whether the override is caused by operation of the cable EAS rules or due to the terms of a cable franchise agreement.

## **II. THE FCC SHOULD INCREASE THE EAS TEST RELAY WINDOW.**

Current FCC EAS rules establish a 15-minute relay window for tests. SBE proposes that the FCC change that portion of Part 11 to increase the EAS test relay window to 60 minutes. SBE contends – and we concur – that such a change would provide broadcasters with greater flexibility in their participation in local EAS programs. Indeed, most emergency alerts occur on a local and regional basis, with such participation optional under Section 11.55 of the Commission’s Rules.

NAB members have expressed their view that it is nearly impossible for state and local EAS committees to find time slots every month that will enable a monthly alert to be retransmitted within 15 minutes by all stations in the area without disrupting at least one or several stations’ programming. The odds are very high that at least one station in the area will be in the middle of a sporting event, a music sweep, live coverage of a news event or some other form of programming that will be greatly disrupted by the monthly test.

Extending the window during which the monthly test can be retransmitted would help to alleviate this problem. Broadcasters would have greater latitude in the timing of their EAS local and regional alerts under a revised testing system whereby they would not be faced with cutting into their programming and instead could insert their tests as soon as would be practical within the 60-minute period.

### **III. THE FCC SHOULD ADOPT ADDITIONAL EVENT CODES FOR CANCELLATIONS**

We also agree with SBE's suggestion that additional "event codes" be added to serve as "cancellation codes" for the various types of alerts. SBE members have raised the legitimate concern that when EAS warnings need to be cancelled before they expire, they *cannot* be cancelled because the individual events have no cancellation codes. SBE notes that where a warning code is reissued to cancel the event, the automated EAS reissues the warning itself, not the cancellation thereof. NAB, therefore, supports SBE's recommendation that the FCC implement these cancellation codes, because they would be central to the smooth operation of the EAS. This change not only considers the needs of broadcasters; it considers the listening and viewing public's need to be informed properly and accurately during an emergency situation.

### **IV. SUBMISSION TO THE FCC OF DOCUMENTATION CONCERNING LOCAL EAS TRANSMISSIONS**

Although we concur with many parts of the SBE petition, NAB strongly disagrees with the SBE proposal that the Commission ask broadcasters to provide, in the license renewal application process, documentation of local EAS transmissions. Similarly, we do not find that any useful purpose would be served by the Commission requiring stations to include, "voluntarily," documentation of station EAS-related activities in their public inspection files.

Broadcasters' commitment to provide their audiences with timely information about local emergencies is well established and this is clearly evident to anyone who listens to the radio or watches television. Stations make records of these EAS activities in their "station logs" and the Commission, if it wishes, may request inspection of these logs.<sup>3</sup> Moreover, broadcasters' coverage of regional and local emergencies usually takes the form of news, weather and on-the-scene reports – not just the broadcast of EAS alerts. Thus, documentation of local or regional EAS participation is only a partial indicator of how stations serve their local audiences in times of emergencies. As a result, requiring broadcasters to provide written documentation about their use of the EAS for local emergencies would serve only to increase unnecessarily the administrative burdens on both broadcasters and the Commission, with no countervailing regulatory benefit.

## **V. CONCLUSION**

NAB supports some of the proposals in the SBE petition – particularly the EAS relay window extension and the creation of additional event codes. However, we disagree with proposals for "voluntary" submission to the FCC of records concerning local EAS participation.

NAB generally supports the proposal that the FCC initiate a proceeding to improve the EAS. Nonetheless, we believe the Commission should wait until the shakedown period for the new EAS concludes – and broadcasters and other interested

---

<sup>3</sup> See Section 73.1820 of the Commission's Rules.

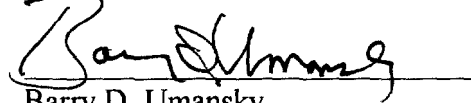
parties will have had an opportunity to examine all concerns that need to be addressed –  
prior to the conducting of such a review.

Respectfully submitted,

NATIONAL ASSOCIATION OF  
BROADCASTERS  
1771 N Street, N.W.  
Washington, D.C. 20036  
202-429-5430



Henry L. Baumann  
Executive Vice President and  
General Counsel



Barry D. Umansky  
Deputy General Counsel

Kelly T. Williams  
Director of Engineering  
NAB Science & Technology

Dave Wilson  
Manager, Technical Regulatory Affairs  
NAB Science & Technology

Mona Qureshi  
Legal Intern

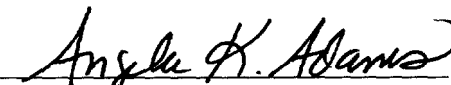
September 15, 1997

## **CERTIFICATE OF SERVICE**

I, Angela K. Adams, do hereby certify that a true and correct copy of the foregoing Comments of the National Association of Broadcasters was sent this 15th day of September, 1997 via first class mail, postage prepaid to:

Christopher D. Imlay  
Booth, Freret, Imlay & Tepper  
5101 Wisconsin Avenue, N.W.  
Suite 37  
Washington, D.C. 20016

Counsel for the Society of Broadcast Engineers, Inc.

  
Angela K. Adams